THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25056 OF 2005

Dated: 24-11-2005

Between

T. Suguna, W/o. Venkatratnam, Fair Price Shop Dealer, Panduvanagulavarm village, Veligandla Mandal, Prakasam District.

...PETITIONER

AND

The District Collector, Prakasam District (Civil Supplies), Ongole and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the proceedings dated 09.11.2005 in Ro.CS2/3733/2005 issued by the first respondent as illegal and arbitrary.

Petitioner is authorized dealer of the Fair Price Shop of Panduvanagulavarm Village, Veligandla Mandal, Prakasam District.

The Enforcement Deputy Tahsildar inspected the said shop of the petitioner on 06.07.2004 and found the petitioner collecting higher rates from the cardholders for the essential commodities and certain other irregularities and submitted a report to third respondent-

the Revenue Divisional Officer, Kandukur. Based on said report the dealership of the petitioner was suspended by proceedings of the third respondent dated 09.07.2004. Aggrieved by the same, petitioner filed an appeal along with an application for stay before the second respondent-Joint Collector, Ongole. The second respondent by order dated 30.09.2005 allowed the appeal setting aside the suspension order.

Against the said order the fourth respondent who is one of the cardholders filed a revision before the District Collector, Ongole.

The District Collector while admitting the revision by order dated 09.11.2005 granted stay of operation of the order of the Joint Collector and posted the matter for hearing on 16.11.2005. Aggrieved by the same the present writ petition is filed.

Learned counsel for the petitioner submits that when the appellate authority considered and allowed the appeal of the petitioner the revisional authority out not to have granted stay without giving any notice and without hearing the petitioner

I have allowed similar writ petitions filed against similar orders.

I am of the opinion that the revisional authority ought not to have granted stay at the instance of the fourth respondent in the absence of any records to show that the petitioner has sold the essential commodities at higher rates and distributed the essential commodities with less weighment.

Having regard to the facts and circumstances of the case,

the impugned proceedings dated 09.11.2005 issued by the District Collector, Ongole, granting stay of the operation of the order of the Joint Collector is set aside and the first respondent is directed to consider and dispose of the revision itself after hearing the petitioner as well as the fourth respondent, if not already disposed on 16.11.2005, in accordance with law as expeditiously as possible within a period of four weeks from the date of receipt of this order.

The writ petition is accordingly allowed.

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V. ESWARAIAH, J

November 24, 2005

DSK